

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Taormina Industries, LLC  
1131 N. Blue Gum Street  
Anaheim, California 92806

ID No. CAD981378201

Respondent.

Docket HWCA 2007-1391

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Taormina Industries, LLC (Respondent), a limited liability company, enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent is a solid waste transfer station and material recovery facility. Respondent generates hazardous waste at 1131 N. Blue Gum Street (Site). The hazardous waste is generated when Respondent removes hazardous waste that has been inappropriately disposed of in the municipal waste during load check and material sorting operations. Prior to the inspection, Respondent was transporting the hazardous waste from its property less than 500 feet along a public right-of-way to a household hazardous waste collection facility operated by the County of Orange on property also owned by Respondent. The parcels involved are separated by a public right-of-way.

1.3. Inspection. The Department inspected the Site on March 27, 2007.

1.4. Jurisdiction. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement

issued or adopted pursuant thereto.

1.5. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.6. Hearing. In consideration of the Department and Respondent entering into this Order, Respondent agrees and does waive any and all rights to a hearing in this matter.

1.7. Admissions. By entering into this Consent Order, the Respondent does not admit any of the violations alleged.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated Health and Safety Code, section 25163(a), in that on or about March 27, 2007, Respondent transported hazardous waste to the Orange County Household Hazardous Waste Collection facility without holding a valid registration issued by DTSC.

2.1.2. Respondent violated Health and Safety Code section 25160(b)(1) and (d)(1), in that on or about March 27, 2007, Respondent transported hazardous waste to the Orange County Household Hazardous Waste Collection facility without a manifest.

2.1.3. Respondent violated California Code of Regulations, title 22, section 66262.34(f), in that on or about March 27, 2007, Respondent failed to properly label and date containers used to accumulate hazardous waste on site.

## 3. SCHEDULE FOR COMPLIANCE

3.1.1. Respondent has corrected the violations alleged in paragraphs 2.1.1. through 2.1.3. set forth above.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

#### 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.8. Integration. This agreement constitutes the entire agreement between the Parties and there are no other agreements or understandings between the parties hereto with respect to the subject matter of this Order. This Order may not be amended, supplemented, or modified, except upon the mutual agreement of the parties hereto.

#### 5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$9900, of which \$6452 is a penalty and \$3448 is reimbursement of the Department's Costs incurred in this matter.

5.2. Payment of \$4,900 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Pamela LePen  
Enforcement Cypress Branch  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

5.5. The penalty shall be reduced by \$5,000 if, and only if, Respondent sends at least one employee to the California Compliance School, Modules I – IV, and submits to the Department, within 180 days of the effective date of this Consent Order, a Certificate of Satisfactory Completion thereof.

5.6. In the event that the above Certificate of Satisfactory Completion is not received by the Department within 180 days of the effective date of this Consent Order, the entire remaining balance of \$5,000 shall then become due and payable.

## 6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 10/08/2007

Original Signed by Kenneth J. Pretell

Mr. Kenneth J. Pretell, Manager  
Environmental and Regulatory Affairs  
Taormina Industries, LLC

Dated: 10/12/2007

Original Signed by Carmelita E. Lampino

Ms. Carmelita Lampino, Acting Chief  
Enforcement Cypress Branch  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control